



Proceeds of Crime Act 2002

2002 CHAPTER 29

PART 8

INVESTIGATIONS

CHAPTER 3

SCOTLAND

Customer information orders

397 Customer information orders

(1) The sheriff may, on an application made to him by the appropriate person, make a customer information order if he is satisfied that each of the requirements for the making of the order is fulfilled.

[^{F1}(1A) No application for a customer information order may be made in relation to a detained cash investigation [^{F2}, a detained property investigation [^{F3} or a frozen funds investigation][^{F3}, a frozen funds investigation or a cryptoasset investigation]].]

(2) In making a customer information order in relation to ^{F4}... a civil recovery investigation the sheriff shall act in the exercise of his civil jurisdiction.

(3) The application for a customer information order must state that—

(a) a person specified in the application is subject to a confiscation investigation [^{F5}, a civil recovery investigation] or a money laundering investigation, ^{F6} ...

^{F6}(b)

(4) The application must also state that—

(a) the order is sought for the purposes of the investigation;

(b) the order is sought against the financial institution or financial institutions specified in the application.

Changes to legislation: *Proceeds of Crime Act 2002, Section 397 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (5) An application for a customer information order may specify—
- (a) all financial institutions,
 - (b) a particular description, or particular descriptions, of financial institutions, or
 - (c) a particular financial institution or particular financial institutions.
- (6) A customer information order is an order that a financial institution covered by the application for the order must, on being required to do so by notice in writing given by the appropriate person, provide any such customer information as it has relating to the person specified in the application.
- (7) A financial institution which is required to provide information under a customer information order must provide the information to a proper person in such manner, and at or by such time, as that person requires.
- (8) If a financial institution on which a requirement is imposed by a notice given under a customer information order requires the production of evidence of authority to give the notice, it is not bound to comply with the requirement unless evidence of the authority has been produced to it.

Textual Amendments

- F1** S. 397(1A) inserted (18.6.2009) by [Serious Crime Act 2007 \(c. 27\)](#), s. 94(3), **Sch. 10 para. 21**; S.S.I. 2009/224, art. 2(1)(d)(ii)
- F2** Words in s. 397(1A) inserted (27.4.2017 for specified purposes, 31.1.2018 for E.W.S. for specified purposes, 16.4.2018 for E.W.S. in so far as not already in force, 28.6.2021 for N.I. in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 68**; S.I. 2018/78, reg. 5(3)(a)(i)(ii); S.I. 2021/724, reg. 4(i)
- F3** Words in s. 397(1A) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 9 para. 8(26)**
- F4** Words in s. 397(2) omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 20(2)**; S.I. 2015/964, art. 2(d) (with art. 3)
- F5** Words in s. 397(3) inserted (1.6.2015) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 20(3)(a)**; S.I. 2015/964, art. 2(d) (with art. 3)
- F6** S. 397(3)(b) and word omitted (1.6.2015) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(2), **Sch. 19 para. 20(3)(b)**; S.I. 2015/964, art. 2(d) (with art. 3)

Commencement Information

- I1** S. 397 in force at 24.2.2003 by S.I. 2003/120, art. 2, **Sch.** (with arts. 3, 4) (as amended (20.2.2003) by S.I. 2003/333, art. 14)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(5)(a)(iia) inserted by [2015 c. 30 Sch. 5 para. 15\(3\)\(d\)](#)
- s. 323(1)(hc) inserted by [2023 c. 20 Sch. para. 45\(2\)](#)
- s. 323(4)(ec) inserted by [2023 c. 20 Sch. para. 45\(3\)](#)
- s. 323(5)(ec) inserted by [2023 c. 20 Sch. para. 45\(4\)](#)